IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 28917 of 2007(P)

PETITIONER:

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1. T.K.GOVINDAN,THEKKOOT VEEDU,
   MULAYAM P.O.,VALAKKAV-680 751
   (POLICE CONSTABLE, NEDUPUZHA POLICE STATION RTD)

2. A.M.GEORGE., VELAPARAMBIL HOUSE,
   KULAYOTTIKKARA P.O. ARAYANKAVU,ERNAKULAM DIST.
   (POLICE CONSTABLE,HILL PALACE POLICE STATION
   TRIPUNITHURA RTD)

3. K.O.FRANCIS,KODIYAL HOUSE,
   KOMBATHKADAVU PO,THRISSUR -680 682
   (POLICE CONSTABLE,KORATTI POLICE STATION RTD)

4. O.D.JOHNY,OLAKKENGIL HOUSE,
   MANNAMKAD,P.O. ENGINEERING COLLEGE,
   THRISSUR -680 009,
   (POLICE CONSTABLE OLLUR POLICE STATION RTD)

5. O.K.KUNJUVAREED,OLAKKANGIL HOUSE,
   ANJUR-MUNDUR PO,THRISSUR -680 549,
   (POLICE CONSTABLE, PERMANGALAM POLICE STATION RTD)

6. P.M.MATHEW,PARAPPURATH,
   VELIMANAM P.O., KEEZHPALLI,KANNUR
   (POLICE CONSTABLE,ARALAM POLICE STATION
   KABBUR RTD)

7. K.K.ARAVINDHAKSHAN,KUNNATHULLI VEEDU,
   PONNOOR P.O., PARAPPUR,THRISSUR
   (POLICE CONSTABLE,THRISSUR PS RTD)

8. K.K.ANANDAN, KARANATH HOUSE,
   THIRUVILAWAMALA PO,THRISSUR-680 588,
   (POLICE CONSTABLE,OTTAPALAM POLICE STATION,
   PALAKKAD RTD)

9. V.BALAN NAIR
NADUTHALI HOUSE,VELLATTANJOUR PO,
THRISSUR-680 601,
(POLICE CONSTABLE,ERUMAPETTY POLICE STATION,RTD)

10. P.V.BALAN,PALLIMAKKAL HOUSE,KOLAZHY P.O,
THRISSUR-680 O10.
(POLICE CONSTABLE,GURUVAYOOR POLICE STATION,RTD)

11. K.RAMACHANDRAN,KARANANINGATTIL,
CHANDRANILAYAM,VADKKEPARAMBU,VARAVOOR P.O.,
WADAKKANCHERRY (VIA)
THRISSUR-680 585,
(POLICE CONSTABLE,CHERUTHURUTHY RTD)

12. K.BABY THOMAS,
KATHADETHU KIZHAKKETHIL VIJAY BHAVAN,
PERINGANAD P.O.PATHANAMTHITTA-691 528,
(POLICE CONSTABLE,KODUMON POLICE STATION RTD)

13. P.N.KRISHNAN KUTTY
PALUKKASARY HOUSE,
VIYYOOR P.O.,
(POLICE CONSTABLE,TRAFFIC PS,THRISSUR RTD)

BY ADV. SRI.B.RAGUNATHAN
SRI.V.V.MATHEW

RESPONDENTS:
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1. STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT
HOME DEPARTMENT,GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS
THIRUVANANTHAPURAM. 695 010.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007 ALONG WITH W.P.(C)28920/2007&CONN.CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).Nos.28917,28920,28964
and 28965 of 2007

Dated this the Ist day of October, 2007

JUDGMENT

Common issues have been raised in all these writ petitions. Therefore they have been taken up together and are disposed of by a common judgment.

2. Writ petitioners were originally recruited through Malabar Special Police(MSP), III Battalion as Police Constables. All of them were later absorbed in the Central Reserve Police Force (CRPF) from 1.5.1967 onwards. After completing their services in the CRPF, they were discharged on different dates and subsequently all of them were absorbed in the MSP and SAP on different dates. Some of them acquired the requisite test qualification and therefore they were promoted as Head Constable and to higher posts thereafter. Some of them, who did not acquire the test qualification, retired as Police Constables.

3. In Ext.P1 judgment, this Court had taken the view that the petitioners therein, who were originally recruited through III Battalion, MSP should be permitted to reckon their seniority from the date of initial appointment in III Battalion, MSP. Apparently, Government had, in Exts.P2 to P4, in the case of individual claimants, held that persons who were originally recruited through MSP, III Battalion and who were later discharged from CRPF after completing their services and later recruited through the

MSP and SAP should be permitted to reckon their seniority from the date of their original recruitment in MSP, III Battalion.

2. The petitioners herein claim a similar treatment. They have, therefore, filed Ext.P7 before the second respondent. On a perusal of Ext.P7, I find that relevant service details are given therein, in relation to all the petitioners. Such details are given in the writ petitions as well.

3. Having heard the learned counsel for the petitioner Sri.Raghunathan and the learned Government Pleader, the writ petitions are disposed of in the following terms:

i) The second respondent shall consider Ext.P7 as also the details given by the petitioners in the writ petition filed by them and take appropriate decision thereon, in the light of Ext.P1 judgment, Exts.P2 and P3 Government orders and Ext.P4 order passed by himself.

ii) If the petitioners are found to be similarly situated, appropriate action shall be taken to see that a similar treatment is meted to the petitioners.

The entire process may be completed within a period of three months from the date of receipt of a copy of this judgment.

V. GIRI, JUDGE

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